IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

Con.Case(C).No. 785 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN BA.2964/2007

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PETITIONER :

VIJAYAKUMAR, AGED 28, W/O.PUSHPAN , PAMBUKAL
MUTHUKKUPLAVILA LAKSHAM VEEDU COLONY
ARUMANNOOR DESOM, THIRUPURAM VILLAGE

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:

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1. PRATHAPAN, CIRCLE INSPECTOR OF POLICE, POOVAR
AGE AND FATHER'S NAME NOT KNOWN

2. PRATHEEPKUMAR, SUB INSPECTOR OF POLICE,
POOVAR POLICE STATION
AGE AND FATHER'S NAME NOT KNOWN

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. RAMKUMAR, J.

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Cont. Court Case No. 785 of 2007

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Dated, this the 8th day of June 2007

JUDGMENT

Petitioner who is the husband of the accused in Crime no. 65 of 2007 of Poovar Police Station alleges that the first respondent herein namely C.I. of Police, and S.I. of Police, Poovar have committed contempt of this Court by arresting the petitioner's husband on 26-5-2007 and by not producing him before the Magistrate as directed by this Court in the order dated 23-5-2007.

2. The learned Public Prosecutor opposed the application submitting inter alia that the respondents have not flouted the orders of this Court and that the petitioner's husband was arrested in Crime No. 67 of 2007 which is an arson case.

3. The learned counsel for the petitioner also admits that by arresting the petitioner's husband on 26-5-2007 the order dated 23-5-2007 in B.A. 2964 of 2007 has not been flouted. As per the said order the application for anticipatory bail filed by the petitioner's husband in Crime No. 65/2007 was disposed of directing the petitioner to surrender before the investigating officer on any day between 29-5-2007 and 31-5-2007 for the purpose of interrogation

and recovery of incriminating materials if any, and then the petitioner therein was directed to be produced before the Magistrate having jurisdiction and the Magistrate was directed to dispose of the application for regular bail. Technically therefore, the respondents had every right to arrest the petitioner's husband. Legally, there was no impediment for the police from arresting the petitioner's husband on any day prior to 29-5-2007 since the direction to the petitioner's husband to surrender before the investigating officer would operate only from 29-5-2007. Even otherwise, the petitioner was not arrested in Crime No. 65 of 2007. But instead, he was arrested in Crime No. 67 of 2007 and hence there is no question of the order of this Court being violated even in spirit. The allegation that the first respondent committed contempt of court is therefore, without basis.

This petition is accordingly dismissed.

V. RAMKUMAR,
(JUDGE)

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